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REMARKS

Claims 1-19 are pending in the application. Claim 15 has been amended to correct an editorial error. Claims 1-19 remain pending for reconsideration.

In anticipation of a possible appeal, applicants for their own convenience have formatted the response in the style of a brief on appeal.

(1) Real Party in Interest

This case is assigned of record to Intel Corporation, who is the real party in interest.

(2) Related Appeals and Interferences

There are no known related appeals and / or interferences.

(3) Status of Claims

Claims 1-19 are pending in the case and stand rejected.

(4) Status of Amendments

The status of this amendment is deferred pending the Examiner's response. It is expected that the present amendment will be entered.

(5) Summary of Invention

By way of background, the present invention is directed to a lever mechanism which in most applications will reduce the amount of user force required to insert a card in a slot. In contrast to the present invention, both of the cited references are directed only to card retention mechanisms. Accordingly, neither reference individually can anticipate the present invention and no combination of the references renders the present invention obvious.

(6) Issues

I. The rejection of the claims 1-4, 7 and 8 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,305,966 (Arbogast) is in error.

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II. The rejection of the claims 5, 6, 9-19 under 35 U.S.C. § 103(a) as being unpatentable over Arbogast in view of U.S. Patent No. 5,889,656 (Yin) is in error.

(7) Grouping of the Claims

Grouping of the claims is deferred pending the Examiner's response.

(8) Argument

I. The rejection of the claims 1-4, 7 and 8 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,305,966 (Arbogast) is in error.

Claims 1-4, 7 and 8 were rejected under 35 U.S.C. § 102(e) as being anticipated by Arbogast (U.S. Patent No. 6,305,966). Applicants respectfully traverse this rejection for the following reasons.

Claim 1 recites, among other things, a lever mechanism which includes an engaging surface adapted to apply a lever force on the card during insertion of the card in the slot of the connector. Arbogast fails to teach or suggest this claim feature.

In order to anticipate, the cited reference must identically disclose the claimed invention. In fact, Arbogast does not even mention a lever. The relied upon element of the reference is simply a resilient upright member 116 which functions as retention mechanisms. The resilient upright member 116 is not identical to a lever mechanism. Nowhere does Arbogast teach or suggest that the resilient upright member 116 may function as a lever. Absent the hindsight afforded by the present application, no one skilled in the art would consider the members 116 of Arbogast to be lever mechanisms. Accordingly, even from a strictly structural analysis, claim 1 is not anticipated by Arbogast and the rejection should be withdrawn.

Moreover, Arbogast does not disclose or suggest any structure wherein the various members / arms could be used to apply a lever force to the card during insertion of the card in the slot. The Office Action does not accord patentable weight to various claim recitations because of the language "adapted to" utilized in the claim, relying on *In re Hutchison*, 69 USPQ 138. This is legal error. The Examiner's understanding of the Hutchison case does not accurately represent the state of the law, as functional limitations have been given patentable weight for at least the

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past several decades. The Examiner may find it instructive to refer to *In re Swinehart*, 169 USPQ 226, 228 (CCPA 1971). In an unpublished, non-precedential decision, the Board of Appeals recently reversed another Examiner's objection to "adapted to" claim language, with the Examiner relying on the same *In re Hutchison* case (see *Ex parte BRICK*, index no. 1178, file name fd001794.pdf).

Accordingly, all recitations of the claims are entitled to patentable weight, and the rejection should be withdrawn.

Because Arbogast fails to disclose a lever mechanism including an engaging surface adapted to apply a lever force on the card during insertion of the card in the slot of the connector, claim 1 is not anticipated by Arbogast and is patentable over Arbogast. Claims 3-4, 7, and 8 depend either directly or indirectly from claim 1 and are likewise patentable.

With respect to claim 4, element 506 is not a memory card, it is only generally identified as a circuit board.

With respect to claim 7, the Examiner merely asserts that the reference discloses various recitations of the claim without identifying corresponding elements in the reference or establishing how the elements meet the claim limitation. If the rejection is maintained, and so that a full and fair response may be prepared, applicants respectfully request that the Examiner identify the relied upon elements by element number and specifically explain how the Examiner has come to any conclusions regarding the various distances recited in the claims. The Examiner further erroneously relies on *In re Hutchison*.

With respect to claim 8, elements 114 are not ejectors, they are catches.

II. The rejection of the claims 5, 6, 9-19 under 35 U.S.C. § 103(a) as being unpatentable over Arbogast in view of U.S. Patent No. 5,889,656 (Yin) is in error.

Claims 5, 6, and 9-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Arbogast in view of Yin (U.S. Patent No. 5,889,656). Applicants respectfully traverse this rejection for the following reasons.

Claims 5, 6, 9, and 10 depend either directly or indirectly from claim 1, and are therefore patentable for at least the reasons given above. Yin fails to make up for the deficiencies in Arbogast. Both Arbogast and Yin describe only retention mechanisms. In fact, neither of the

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cited references discloses or even mentions a lever. The relied upon elements of the references are simply arms which function as retention mechanisms. Nowhere does Arbogast teach or suggest that the resilient upright member 116 are levers. Similarly, Yin does not teach or suggest that the various retaining arms (e.g. arms 18, 28, 38, 48) are levers. Accordingly, the Examiner fails to make a *prima facie* case of obviousness and the rejection of claims 5, 6, 9, and 10 should be withdrawn.

With respect to claims 11-13, the Examiner cannot rely on *In re Hutchison* and instead relies on inherency. However, the methods of operation of the cited references are completely different than the claims and do not anticipate the claims or render the claims obvious, inherently or otherwise. In Arbogast, the assembly method involves the user pushing the board completely into the connector, at which point the resilient arms snap into place to retain the board. Likewise, in Yin the assembly involves the user moving the retention arms out of the way, the user pushing the board completely into the connector, and then the user moving the arms into place to retain the connector. None of the methods of operation of the devices in either reference, individually or in combination, teach or suggest the methods of claims 11-13, inherently or otherwise.

With respect to claim 11, the claim recites, among other things, actuating the lever mechanism. The office action asserts that the assembly methods disclosed in Arbogast / Yin inherently teach or suggest the recited claim elements. However, this is incorrect. First, as discussed above, neither of the references discloses any type of lever function, so the various members / arms of Arbogast / Yin cannot fairly be said to teach or suggest the recited lever mechanism. Moreover, the movements of the various members / arm disclosed in the cited references do not perform lever functions (e.g. do not apply leverage to the card), so neither reference discloses the recited element of actuating the lever mechanism.

Because neither Arbogast nor Yin teaches or suggests a lever mechanism or actuating a lever mechanism, claim 11 is patentable over the cited references. Claims 12-13 depend either directly or indirectly from claim 11 and are likewise patentable.

Claim 12 is separately patentable for at least the following reasons. Claim 12 recites that actuating the lever mechanism includes moving the card into the slot by moving a contact surface of the lever mechanism from a first position to a second position. Neither reference teaches or suggests this feature.

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As noted above, both references simply disclose retention mechanisms. Neither reference discloses anything whatsoever in connection with a lever mechanism that is operable to move a card into a slot by moving the lever.

Claim 13 is separately patentable for at least the following reasons. Claim 13 recites removing the card from the slot by moving the lever mechanism from the second position to the first position.

As noted above, both references simply disclose retention mechanisms. Neither reference discloses anything whatsoever in connection with a lever mechanism that is operable to remove a card from a slot by moving the lever.

Claim 14 is amended voluntarily and editorially for reasons not related to patentability. Claim 14 recites numerous elements not taught or suggested by the cited references. For example, among other things, claim 14 recites a lever mechanism including an ejector. Neither of the cited references teaches or suggests these claim features.

As noted above, the cited references fail to teach or suggest any type of lever function, and accordingly do not teach or suggest a lever mechanism. Moreover, the cited references are absolutely devoid of any teaching in connection with an ejector. In contrast to the present invention as recited in claim 14, the cited reference require first disabling the disclosed retention mechanisms and then manual removal of the card (notably without the assistance of any ejector). The various catches (e.g. catch 114) cited in the office action are not ejectors.

Because neither Arbogast nor Yin discloses an assembly including a lever mechanism and an ejector, claim 14 is patentable over the cited references. Claims 15-19 depend either directly or indirectly from claim 14 and are likewise patentable.

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In view of the foregoing, favorable reconsideration and withdrawal of the rejections is respectfully requested. Early notification of the same is earnestly solicited. If there are any questions regarding this application, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

November 6, 2003

Date

Intcl Americas
LF3
4030 Lafayette Center Drive
Chantilly, VA 20151



Paul E. Steiner
Reg. No. 41,326
(703) 633 - 6830

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